

REMARKS/ARGUMENTS

Status of the Application

Claims 1-9 and 11-16 are pending in the present application. Claims 1, 2, 4 and 11-16 stand rejected, claims 5-9 are allowed and claim 3 is objected to. In view of the following remarks, Applicants respectfully request reconsideration of the present application and an early Notice of Allowance.

Claim Objection

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully submit that in light of the arguments below, claim 3 is dependent upon allowable base claim 1, as well as allowable intervening claim 2. Accordingly, Applicants respectfully submit that no amendments are necessary to place claim 3 in allowable form.

Claim Rejections – 35 U.S.C. § 102(b)

Claims 1, 2 and 11 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Schneider *et al.* (U.S. Pat. No. 6,271,645 and Schneider hereinafter). Applicants respectfully traverse the rejection and request reconsideration because Schneider is not §102(b) prior art with respect to the present application.

Applicants respectfully note that the present application was filed in the U.S. Patent and Trademark Office on October 17, 2000 and claimed priority to Japanese patent application JP11-312402, which was filed in Japan on November 2, 1999. In the present

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Office Action, the Examiner acknowledged that Applicants filed a certified copy of the priority document with the present application on October 17, 2000. Applicants have included herewith an English language translation of JP11-312402, a signed statement attesting to the accuracy of the translation, an English translation of the Japanese petition for patent and the cover page of the certified copy of the Japanese patent application, thereby satisfying the requirements for claiming the benefit of the filing date of a prior foreign application as specified in 37 C.F.R. § 1.55(a).

Applicants respectfully point out that Schneider was filed on February 11, 2000 and issued on August 7, 2001. Accordingly, Schneider was not “patented or described in a printed publication in this [country] *more than one year prior to the date of application* for patent in the U.S.,” as required by 35 U.S.C. § 102(b). (Emphasis added). Moreover, because the filing date of Schneider occurred after the effective filing date of the present application, Schneider cannot be used as a reference under any other section of 35 U.S.C. § 102. In view of the attachment, therefore, withdrawal of the rejection of claims 1, 2 and 11 is requested.

Claim Rejections – 35 U.S.C. § 103(a)

Claim 4 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schneider. Claims 12-16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schneider in view of Sullivan *et al.* (U.S. Pat. No. 5,528,122 and Sullivan hereinafter). As noted in Applicants’ arguments with respect to the rejection of claims 1, 2 and 11, above, Schneider is not prior art with respect to the present application under any section of 35 U.S.C. § 102. Accordingly, Applicants respectfully submit that Schneider is not

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available as a reference under 35 U.S.C. § 103(a). Applicants therefore respectfully request withdrawal of the rejection of claim 4 and 12-16.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully submit that the pending claims patentably define over the prior art. Accordingly, a Notice of Allowance is respectfully requested.

In the event that the Examiner believes that the present application is not allowable for any reason, the Examiner is encouraged to contact the undersigned attorney to discuss resolution of any remaining issues.

Respectfully submitted,

Date: August 15, 2003



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